

LAW OFFICES
GOLDBERG, GODLES, WIENER & WRIGHT
1229 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036-2413

HENRY GOLDBERG
JOSEPH A. GODLES
JONATHAN L. WIENER
LAURA A. STEFANI
DEVENDRA ("DAVE") KUMAR

(202) 429-4900
TELECOPIER:
(202) 429-4912

e-mail:
general@g2w2.com
website: www.g2w2.com

HENRIETTA WRIGHT
THOMAS G. GHERARDI, P.C.
COUNSEL

THOMAS S. TYCZ*
SENIOR POLICY ADVISOR
*NOT AN ATTORNEY

February 6, 2006

ELECTRONIC SUBMISSION

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

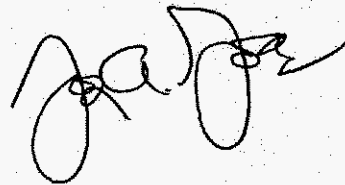
**Re: Japan Telecom America, Inc.
Certification of CPNI Filing (February 6, 2006)
EB Docket No. 06-36, EB-06-TC-060**

Dear Ms. Dortch:

Japan Telecom America, Inc., by its undersigned counsel, hereby files the enclosed customer proprietary network information compliance statement in response to the Commission's recent public notices.¹

Please direct any questions regarding this filing to the undersigned.

Respectfully submitted,



Joseph A. Godles
Counsel for
Japan Telecom America, Inc.

cc: Byron McCoy

¹ Public Notice, "Enforcement Bureau Directs All Telecommunications Carriers to Submit CPNI Compliance Certifications," DA 06-223 (Jan. 30, 2006); Public Notice, "Enforcement Bureau Opens New Docket for the February 6, 2006, Filing of CPNI Compliance Certifications," DA 06-258 (Feb. 2, 2006).

Customer Proprietary Network Information Compliance Statement
EB Docket No. 06-36

Japan Telecom America, Inc. ("JTA") is filing this customer proprietary network information ("CPNI") compliance statement in response to the Commission's recent public notices.¹ Although JTA holds Section 214 authorizations permitting it to provide international common carrier services, the Commission's CPNI requirements are inapplicable to JTA for the following reasons:

- The CPNI requirements apply to "telecommunications carriers" as defined in Section 3(44) of the Communications Act. *See* 47 C.F.R. § 64.2003(k). Section 3(44) defines a telecommunications carrier as a "provider of telecommunications services," *i.e.*, common carrier services (*see* 47 U.S.C. §153(46)), and states that "[a] telecommunications carrier shall be treated as a common carrier under this [Communications] Act only to the extent that it is engaged in providing telecommunications services."
- JTA is not engaged in providing telecommunications services. It has no active common carrier circuits, and all of its services are either information services or non-common carrier services.
- Even if the CPNI requirements were applicable to JTA's information services and non-common carrier services, JTA's sole customer for these services is its parent company, Japan Telecom ("JT"), which is an authorized carrier in Japan.
- Because it has no U.S. customers, JTA does not have access to, or use in any way, CPNI as defined by Section 222(h)(1) of the Communications Act. *See* 47 U.S.C. § 222(h)(1).
- JT does not have any customers in the United States, either. Rather, its customers all are located in Japan.

¹ Public Notice, "Enforcement Bureau Directs All Telecommunications Carriers to Submit CPNI Compliance Certifications," DA 06-223 (Jan. 30, 2006); Public Notice, "Enforcement Bureau Opens New Docket for the February 6, 2006, Filing of CPNI Compliance Certifications," DA 06-258 (Feb. 2, 2006).